
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

ALLEN WAYNE SEAMSTER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION &
ORDER REGARDING MOTION
TO PROCEED *IN FORMA*
PAUPERIS ON APPEAL**

Case No. 1:21-cv-00093-DBB

District Judge David Barlow

Petitioner, Allen Wayne Seamster, applies to proceed on appeal without prepaying the appellate filing fee.¹ However, Petitioner has not submitted three required pieces of information that would allow this Court to rule on his application: (1) “a *certified copy* of the trust fund account statement (or institutional equivalent) for the prisoner *for the 6-month period immediately preceding the filing of the complaint* . . . obtained from the appropriate official of each prison at which the prisoner is or was confined,”² (2) a completed affidavit including “a statement of all assets such [person] possesses *that [indicate] the person is unable to pay such fees or give security therefor*”;³ and (3) a statement of “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.”⁴

¹ See 28 U.S.C.S. § 1915 (2019).

² See *id.* § 1915(a)(2) (emphasis added).

³ See *id.* § 1915(a)(1) (emphasis added).

⁴ See *id.* § 1915(a)(1). See also *Valles v. Hansen*, 743 F. App’x 162, 165 (10th Cir. 2018) (citing *DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (requiring “the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.”)).

IT IS ORDERED that Petitioner must within thirty days file with the Court a *certified* copy of his inmate-account statement, a *complete* application to proceed without prepaying fees or costs, and a document showing legally and *factually based, reasoned, nonfrivolous* arguments supporting his appellate challenges. If Petitioner does not fully comply, his application will be denied.

DATED this 27th day of January, 2022.

BY THE COURT:



JUDGE DAVID BARLOW
United States District Court